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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 OAKLAND DIVISION

19 EMPLOYERS REINSURANCE
20 CORPORATION n/k/a WESTPORT
21 INSURANCE CORPORATION,

22 Plaintiff,

23 vs.

24 ORDWAY INDEMNITY, LTD.,

25 Defendant.

26 CASE NO. C. 09-01610 PJH

27 STIPULATION AND JOINT REQUEST TO
28 CONTINUE HEARING ON DEFENDANT'S
MOTION TO COMPEL ARBITRATION AND
STAY PROCEEDINGS AND CASE
MANAGEMENT CONFERENCE; PROPOSED
ORDER THEREON

1 1. In accordance with Civil Local Rule 7-7(b)(1), the parties in the above-captioned
2 action hereby stipulate and jointly request to the continuance of the hearing on Defendant's
3 Motion to Compel Arbitration and Stay Proceedings currently scheduled for February 3, 2010
4 until March 10, 2010 or the next available hearing date thereafter convenient to the Court.
5

6 2. The parties also request that the Court reschedule the Case Management Hearing to
7 immediately follow the rescheduled hearing on Defendant's Motion to Compel.
8

9 3. Good cause exists for these requests.
10

11 4. The hearing on Defendant's Motion to Compel was originally scheduled for
12 December 15, 2009. The Court also scheduled the parties' Case Management Conference to
13 immediately follow the hearing on that date.
14

15 5. On December 9, 2009, due to a conflict of interest, The Honorable Saundra Brown
16 Armstrong found it necessary to recuse herself as presiding judge of this matter. The case was
17 reassigned to The Honorable Phyllis J. Hamilton.
18

19 6. On December 29, 2009, the Court reset the hearing date for Defendant's Motion to
20 ~~Compel and the Case Management Conference~~ for February 3, 2010.
21

22 7. Shortly thereafter, Daniel J. Layden, *pro hac vice* counsel and the attorney
23 responsible for arguing plaintiff's opposition to Defendant's Motion to Compel, realized that the
24 February 3, 2010 argument date conflicted with his defense of two Rule 30(b)(6) corporate
25 designee depositions on February 3 and 4, 2010, in a matter pending in the District of Connecticut.
26 Mr. Layden was unable to move those depositions.
27

28 8. On January 12, 2010, after being apprised of the scheduling conflict, counsel for
29 Defendant agreed to stipulate to the rescheduling of argument on the Motion to Compel until
30 February 17, 2010 or the next available date which was convenient for the Court.
31

1 9. On February 3, 2010, the Court denied the parties' stipulation, noting that good
 2 cause was not presented and that the Court's calendar was full on February 17, 2010.

3 10. Having now identified the good faith reasons for their joint request, particularly the
 4 conflict of lead counsel for Plaintiff, the parties respectfully request that the Court consider and
 5 accept this stipulation and joint request to reschedule the Hearing for Defendant's Motion to
 6 ~~Compel and the Case Management Conference~~ until March 10, 2010 or the next available hearing
 7 date thereafter available to the Court.

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27 Thomas M. Freeman

28 Digitally signed by Thomas
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12 Attorneys for Defendant Ordway
 13 Indemnity, Ltd

14 ORDER

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 1/29/10 _____
 17 DATE

18 HON. PHYLLIS J. HAMILTON

